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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,532	08/29/2005	Victor E. Cassar	0116331-00002	4388
24573	7590	04/25/2006	EXAMINER	
BELL, BOYD & LLOYD, LLC			DONOVAN, LINCOLN D	
PO BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2832	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,532

Applicant(s)

CASSAR, VICTOR E.

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7, 9, 19-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine [US 6,530,508] in view of Bosch et al. [US 4,826,059].

Regarding claim 1-2, Devine discloses a magnetic strip/tape [figure 1] comprising:

- a pair of flexible strips [12, 14] being bonded together in a face to face relationship with one another and connections defining a plurality of receptacles [figure 3]; and
- a plurality of magnets [20] each being uniformly positioned and housed within a respective one of the receptacles.

Devine disclose everything claimed except the receptacles being "pockets."

Bosch et al. discloses a magnetic tool holder having a plurality of pockets [15] each holding a magnet [16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pocket design of Bosch et al. for the receptacles of Devine in order to facilitate various magnet arrangements.

Regarding claim 7, Devine discloses the connection areas having a flexible characteristic enabling formation of the closed loop [figures 2 and 6].

Regarding claim 9, Devine discloses the assembly having a means for carrying an article [figure 6].

Regarding claims 19-21 and 24-26, Devine discloses the magnetic strip/tape being a continuous strip having a plurality of connecting means [30] for connecting a pair of sides together with the strip having a first non-looped configuration [figure 2] and a second looped configuration [figure 6].

Regarding claim 23 and 27, Devine discloses the assembly having a means for carrying an article [figure 6].

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Cromie [US 3,483,494].

Devine, as modified, disclose everything claimed except the strips being joined using a welding process.

Cromie discloses a support [figure 1] having a plurality of magnets [20] mounted between a pair of strips [1] via a welding process [column 1, lines 47-60].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a welding process to join the strips of Devine, as modified, as suggested by Cromie, in order to reduce thickness.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Good [US 5,604,960].

Devine, as modified, disclose everything claimed except the specific material used for the strips and the use of rare earth material for the magnets.

Regarding claim 4, Good discloses a magnet assembly [figure 3] formed of strips [51] made of a woven Dacron fiber.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a polyethylene fiber for the strips of Devine, as modified, as suggested by Good, in order to provide water resistance.

Regarding claim 6, Good further teaches the use of rare earth materials used to form the magnets [column 5, lines 39-47].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rare earth materials to form the magnets of Devine, as modified, as suggested by Good, in order to enhance the magnetic strength.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Finnegan [US 5,593,073].

Devine, as modified, disclose everything claimed except the magnets being disc-shaped.

Finnegan discloses a wrist band [figure 1] having a disc-shaped magnet [46] mounted in a receptacle thereon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use disc shaped magnets for the magnets of Devine, as modified, in order to facilitate movement and reduce magnet size.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Good [US 5,604,960].

Regarding claim 4, Good discloses a magnet assembly [figure 3] formed of strips [51] made of a woven Dacron fiber.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a polyethylene fiber for the strips of Devine, as modified, as suggested by Good, in order to provide water resistance.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 24 above, and further in view of Garber [US 2,864,096].

Devine, as modified, disclose everything claimed except the magnet environment being coated with a rust reduction means.

Garber discloses the use of a rust proofing coating in or on the magnet environment [column 1, lines 60-67].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rust proof proofing with the magnets of Devine, as modified, as suggested by Garber, in order to prevent the magnets from rusting.

Response to Arguments

Applicant's arguments filed 03-28-06 have been fully considered but they are not persuasive.

Applicant argues:

- 1] Devine does not disclose the claimed detachable connection regions; and
- 2] Devine does not teach the claimed arrangement of the magnet polarities.

Examiner disagrees:

Regarding 1]: Applicant merely claims “detachable connection regions” within the strips to connect one strip to the other to form a closed loop. Devine, figure 1, discloses a pair of flexible strips with a means 22 on one of the strips connecting with a means 26 on the other strip to form a connection.

Regarding 2]: Devine discloses the magnets being arranged with the polarities of the opposing strips being able to be arranged in a configuration desired by the user, see figure 3 and column 4, lines 1-15, showing the polarities either alternating or being the same on each side of the strip.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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